THE 37

Arraignment, Tryal, and Condemnation

OF

THOMAS HARRISON

Late Major General, and one of the pretended Judges that sign'd the Warrant for the murder of King *CHARLES*

the first, of ever blessed memory, and appointed the place for that fatal Execution to be at White-Hall Gate.

For which Bloody, Horrid, and Barbarous Fact, he was on *Thursday*, Octob. the 11. 1660. Sentenced to be drawn, hang'd and quarter'd, to have his heart and bowels ript out and burnt before his eys, and now lyes in Irons in the Dungeon in *Newgate* untill Execution.

TOGETHER

With the Inditement, Names, and several Pleas of the rest of that Infamous Crew.

Printed for *T. Vere*, and *W. Gilbertson*. 1660.

The great Tryal of the Grand pretended Judges that ſigned that Barbarous Warrant for the murther of our Soveraign Lord King *Charles* the firſt.

Edneſday the ninth of *October*, 1660. was appointed for the Tryal of all thoſe which ſigned the Warrand for that horrid murder of His late Majeſty, *Charles* the firſt, of ever bleſſed memory: In order whereunto, Warrants being ſigned for the Lieutenant of the Towers delivery of the Traytors unto the Sheriffs of *London*, who accordingly repaired to the Tower, guarded ſtrongly with their own Servants, and part of the Lieutenant of the Towers own Regiment, where the priſoners being put into ſeveral Coaches, and a party of Muſquetiers on each ſide of the Coach, the reſt of the ſaid Regiment making a Lane in New-gate Mercat to keep them from the fury of the people: one Troop of the Army Horſe before, and another following after, and about nine of the clock they were brought to the Preſſe-yard at Newgate, and after a ſurvey of them taken by the Maſter Keeper, they were brought thorow a paſſage for that purpoſe into the Seſſions yard to Juſtice Hall in the Old Bayley, where Sir *Thomas Allan* ſate Chair-man, the Duke of *Orlando* on the one hand, and Sir *Orlando Bridgeman* Baron.

Baron on the other, the Court consisting of Peeres, Judges, and Aldermen, neer the number of fourty, the Court being sate, the prisoners were brought by turns to the Bar, and their Mittiments read as followeth.

O yes made, and silence to the Court; The Indictment was read by the Cryer.

THat whereas you Hardresse Waller *Knight*, Thomas Harrison, Henry Heveningham *Esquires*, Isaac Pennington, Henry Martin, Gilbert Millington, Robert Tichburn *Esquires*, Owen Row, Robert Lilburn, Adrian Scroop, Augustine Garland, Gregory Clement, Peter Temple, John Jones, James Temple, John Cook, John Carew, Thomas Scot, John Downs, Henry Smith, Vincent Potter, Hugh Peters, Simon Meyne, George Fleetwood, Francis Hacker, Daniel Axtel, Edmund Harvy *Esquires*, *having not the fear of God before your eyes, and being instigated by the Devil, did maliciously, treasonably, and Felloneously, contrary to your due allegiance and bounden duty did sit upon, and condemn your late Soveraign Lord* Charles *the first of ever blessed memory, and also did upon the* 30th *of* January, 1648. *sign and seal a Warrant for the execution of his late Sacred Majesty of blessed memory, where also the aforesaid,* Hardresse Waller *Knight*, Thomas Harison, Henry Heveningham *Esquires, together with some other person unknown, did appear for the rest upon the Scaffold at the execution of his late Sacred Majesty of ever blessed memory, which said person yet unknown, being disguised by a Frock over his body, and a Vizard over his face, did then and there sever the head of his most sacred Majesty of blessed memory from his body, and you the said* Hardress Waller *Knight*, Thomas Harison, *and the rest of the Traytors, did afterwards most trayterously and felloneously assume the Government of the Kingdoms, contrary to all right and justice, and to the known Laws of the Land, and against the person of our now Soveraign Lord King* Charles *the second, His Right and Title, Crown and Dignity.*

Cryer. *Hardreſſe Waller* Knight, *hold up thy hand, what ſayeſt thou, art thou guilty of this horrid Act of Treaſon whereof thou ſtandeſt indicted, or not guilty.*

Hard. Wall. My Lord, I cannot ſay, I am not guilty.

Cler. *Then you plead, you are guilty.*

Hard. Yes my Lord, I am guilty.

Cler. *Set him aſide.*

Thomas Hariſon, *Hold up thy hand, art thou guilty or not guilty.*

Har. If I ſhould ſay I am not guilty, I ſhould wrong my own conſcience, yet in matter and form as it is laid down in this Indictment, I am not guilty.

Cler. *Then you plead not guilty.*

Har. My Lord, I deſire I may have counſell afforded me, and time to make my defence, for I have been kept cloſe priſoner in a dark Chamber, and had no notice of my Tryal till five of the clock in the morning, that I am altogether unprepared.

Judge, *You are to plead guilty or not guilty, for in caſes of Treaſon Counſel is not to be aſſigned, for that would make it juſtifiable, and that it were not Treaſon, and you would be quit, but if it be treaſon, then it is not juſtifiable.*

Har. I am not guilty.

Cler. *How wilt thou be tryed.*

Har. By the Lords Lawes, and by the good and wholeſome Laws of the Land.

Cler. *Wilt thou be tryed by God and the Countrey.*

Har. He anſwered that was a profane word.

Then the Judge anſwered, he ſhall be turned over to God and the Countrey.

Har. *No Sir, I will be tryed by God and the Country.*

Cler. God ſend thee a good deliverance, and turn'd him aſide.

Henry Heveningham, *hold up thy hand, guilty or not guilty.*

Hev. Not guilty.

Cler. *How wilt thou be tryed.*

Hev. I will preſent an humble Petition to His Majeſty and the Parliament, and deſire your Lordſhips to let me return to my lodgings in the Tower, for I have ſome infirmities upon me.

Judge,

Judge, *We can give you no anſwer to that,*

Cler. How wilt thou be tryed?

Hev. *By God and the Countrey.*

Cler. God ſend thee a good deliverance.

Set them by, Bring Iſaac Pennington, Henry Martin, Gilbert Millington, Robert Tichborn, and Robert Lilborn *to the Bar.*

Cler. Henry Martin, *Hold up thy hand to the Bar, what ſayeſt thou, art guilty of this horrid act of Treaſon whereof thou ſtandeſt indicted or not guilty.*

Mar. My Lord, I deſire the benefit of the Act of Imdempnity.

Judge, *Firſt you are to plead before you can have the benefit of any thing, and for your pleading the Act of Indemnity that makes you guilty.*

Mar. My Lord, If I plead, I looſe the benefit of that Act.

Judge, *Your name is in that Act.*

Mar. My name is not there my Lord, my name is *Henry Marten*, not *Martin*, then the Judge ſaid there is no difference between *Martin* and *Marten* in Law, the difference is very little in the ſound, then ſaid the Clerk, art thou guilty or not guilty.

The Judge bid him be adviſed, for it makes no difference if there were two names of the like form, the difference is betwixt the ſix Names, and 'twill but make you a Mute in Law, and a Mute in Treaſon, Sir, you muſt have Judgement paſſed on you.

Cler. Are you guilty or not guilty.

Mar. *I deſire Counſel my Lord in that which is matter of Law.*

Judg. What do you deſire counſel for? you are indicted for matter of Treaſon, for Contriving and Compoſing the Kings death: you have juſtification to plead if it be Treaſon, it is not juſtifiable; or if it be juſtifiable, it is not Treaſon.

Mar. Then my Lord I plead not guilty.

Cler. How will you be tryed?

Mar. *By God and the Countrey.*

Cler. God ſend thee a good deliverance.

Judge, *You may give any Evidence, but in a Caſe of this nature you can give no Evidence.*

Cler. Gilbert Millingtoun, Hold up thy hand, what ſayſt thou art

art guilty of this horrid Act of Treason or not guilty.

Mil. I humbly crave your Lordships pardon in some few words.

Judg. Sir we must do in this case as in all other cases, either you must plead guilty or not, if you plead not guilty, you shall be heard hereafter: but you must plead guilty or not guilty.

Mil. There is something in that Indictment which I am not guilty of.

Jud. Then plead not guilty.

Mil. I am not guilty my Lord.

Cler. How wilt thou be tryed?

M. By God and my Countrey.

Cler. God send thee a good deliverance.

Cler. Robert Tichborn, *hold up thy hand, art thou guilty of this horrid Act of Treason, or not guilty.*

Tich. My Lord, I have for some space been kept close prisoner, and I am altogether unable in the Law to speak for my self.

Jud. *You must plead guilty, or not guilty.*

Tich. Spare me one word, if the Tryal be matter of Law, give leave for Counsel to plead for me: if I should plead my own case in Law, I might be overpowred, since there are many persons of great eminency and honour will plead against me, but I will not trouble you long if this be the case in matter and form as I am here Indicted, I am not guilty.

Cler. *How wilt thou be tryed?*

By God and the Country.

Cler. *God send you a good deliverance.*

Cler. Owen Roe, Hold up your hand, art thou guilty of this horrid act of Treason or not guilty.

Owen Roe, *My Lord, I will rest upon the Judgement of the Court, in matter and form as I stand indicted, I am not guilty.*

Cler. How wilt thou be try'd?

Owen Roe, *By God and the Country.*

Cler. God send thee a good deliverance.

Cler. Robert Lilburn, *Hold up thy hand, art thou guilty or not guilty?*

Lilburn, I have been close Prisoner my Lord these twenty dayes, and none suffered to come to me, and I am told that I ought to have counsel before I plead.

Jud.

Judg. *You are misinformed, you cannot have it, you must plead guilty or not guilty, for if this be your argument, and this unsure return of Indgement will be given against you, for the rule is set before us.*

Lilborn, My Lord, if you over rule me, I cannot help it.

Judg. *Sir, Pray let no such words fall from your mouth.*

Lilborn, My Lord, I must say in matter and form as I stand indicted, I am not guilty.

Cler. *How wilt thou be try'd?*

L. By God and the Country.

Cler. *God send thee a good deliverance.*

Cler. Call *Adrian Scroop, Augustine Garland, Gregory Clement, Peter Temple, John Jones, James Temple, John Cook, John Carew*, all which held up their hands as others before by degrees, pleading not guilty?

Afterwards was called *Tho. Scot, Henry Smith, Gregory Clement, Vincent Potter, Edmund Harvy, Tho. Wait, Hugh Peters*, to hold up their hands and read the Charge, are ye guilty or not guilty?

Pet. *I cannot say I am guilty my* Lord, *for I would not be guilty of the murder for ten thousand Worlds.*

Cler. How wilt thou be tryed.

Pet. *By the word of God*; at which the Court smiled.

Cler. Art thou guilty, or not guilty.

Pet. *Not guilty.*

Cler. How wilt thou be tryed.

Pet. *By God and the Countrey.*

Cler. God send thee a good deliverance.

George Fleetwood *being call'd to the Bar, held up his hand as before, and confest himself guilty: But the others pleaded not guilty.*

UPon *Thursday* Octob. 11. *the Court being sate, and the Jury call'd*, Tho. Harrison *was again brought to the Bar, where Sir* Heneadge Finch *the Kings Solicitor General, in a most excellent eloquent Speach opened altogether the hainousnesse of his fact committed against God, the King and Kingdom.*

To

To which he answered, that what he had done, was by Authority and Act of Parliament, and that it was done at noon day, and not in a corner, that the Parliament ought to hear him out, and thereupon desired Counsel to plead for him, but then being told by the Judges of the Court how invalid and vain his desires were, and that the Parliament he pleaded for were not really so, but by usurpation did assume the power to themselves, and that if Lords and Commons had power to condemn one peculiar man, the King had power to pardon him, therefore for Lords and Commons to murder their King and Soveraign, was a most horrid and unmatchable piece of villanie, which when he heard, he had nothing to say for himself, but excepted against 35. of the Jury, and cast himself upon 12. of his own choosing, who after they had heard over all the witnesses who made it apparent, declared him guilty immediately at the Bar for that horrid Treason, and Barbarous Murder whereof he stood indicted: whereupon my Lord Chief Baron stood up and told him he had received a fair tryal, by casting himself upon his Country, who according to the fundamental and well known Laws of the Land had brought him in guilty, and therefore demanded of him what he had to say for himself, and why Judgement should not be pronounced against him according to Law, who answered again he had no more to say; Then my Lord gave sentence to this effect.

That he should be conveyed back again to the place from whence he came, and from thence to be drawn upon a Hurdle unto the place of Execution, there to be hanged by the neck, then to be cut down alive, and his heart and bowels ript out and burnt before his own face, then his body to be devided into four parts, and hung in the view of all the people, where the Kings Majesty shall please: He seemed to be no whit dismaid at the Sentence, but stood with an audacious countenance all the while, and being taken from the Bar, the Sheriff accompanied him to *Newgate*, where he commanded strong Irons to be put upon his legs, and told him he would do well to prepare for his death, it might be nearer to him then he was aware of, to which he answered, that it was not the first time he had looked death in the face, and that his body was full of scars, but yet he had remaining a good heart, and so he took his leave of him.

LIBRARY

FINIS.